



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/714,887
Filing Date	11/13/2003
First Named Inventor	HEARD, Jacqueline E.
Group Art Unit	1638
Examiner Name	To Be Assigned
Attorney Docket Number	MBI-0058 CIP

Total Number of Pages in This Submission 35

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form (in dupl., 2 pages)☐ Fee Attached☒ Amendment / Reply (in dupl., 2 pages)☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Response to Missing Parts/
Incomplete Application☒ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence
Address☐ Terminal Disclaimer☐ Request for Refund☒ CD, Number of CD(s) 2☐ After Allowance Communication
to Group☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
identify below):

Return Receipt Postcard

Copy of Notice to File Missing Parts (2 pgs)

Executed Declarations (20 pgs)

Copy of Stamped Returned Postcard (1 pg)

Copy of Statement under 37CFR1.821-825 (2 pgs)

Artifact Sheet (2 pgs)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual nameJeffrey M. Libby, Ph.D., Reg. No. 48,251
Mendel Biotechnology, Inc.
21375 Cabot Blvd., Hayward, California 94545

Signature

Date

30 September, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

9/30/2004

Typed or printed name

Jeffrey M. Libby

Signature

Date

30 September, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/714,887
Filing Date	November 13, 2003
First Named Inventor	HEARD, Jacqueline E.
Examiner Name	To Be Assigned
Art Unit	1638
Attorney Docket No.	MBI-0058 CIP

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1025

Mendel Biotechnology, Inc

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

Jeffrey M. Libby

Registration No.
(Attorney/Agent)

48,251

Telephone 510-259-6138

Signature

Date

30 September 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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1FW ✓

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/714,887	11/13/2003	Jacqueline E. Heard	MBI-0058CIP

Jeffrey M. Libby, Ph.D.
Mendel Biotechnology, Inc.
21375 Cabot Blvd
Hayward, CA 94545

CONFIRMATION NO. 5720

FORMALITIES LETTER



OC000000013435669

Date Mailed: 08/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/06/2004 HLE333 00000015 501025 10714887

01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: : 10/714,887
Applicant : : HEARD, Jacqueline et al.
Filing Date: : November 13, 2003
Group Art Unit: : 1638
Examiner: : To Be Assigned
Docket No: : MBI-0058 CIP
Customer No.: : 23678

Mail Stop MISSING PARTS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)**

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated August 4, 2004, Applicants submit original signature Declarations of all inventors, and the requisite fee.

The Notice to File Missing Parts also states that "A copy of the 'Sequence Listing' in computer readable form has not been submitted as required by 37 CFR 1.821(e)". In response, Applicants assert that two CDs containing copies of the sequence listing were furnished to the USPTO on the filing date of the instant application, November 13, 2003, along with the specification, paper copy of the sequence listing, Statement under 37 CFR 1.821(e), and accompanying documents as listed on the self-addressed, stamped return postcard that were filed with the instant application. The originally filed CDs were identical in content and each contained an electronic copy of the paper Sequence Listing as filed. As evidence, Applicants are providing a copy of the original postcard stamped by the USPTO and indicating receipt of two CD-ROMs, as well as the original statement under 37 CFR 1.821-1.825 averring that the contents of the CDs and the paper copy of the Sequence Listing were identical. As

App. No. 10/714,887
Response dated September 30, 2004
Reply to Notice to File Missing Parts of August 4, 2004
Docket No. MBI-0058CIP

evidence that the USPTO received the CDs and Statement under CFR 1.821(e), Applicants are including in this response two documents downloaded from the USPTO PAIR website: 1) a copy of the Statement under CFR 1.821-1.825 as originally filed, and 2) copies of Artifact Sheets indicating the receipt of two CDs containing the Sequence Listing filed with the application.

In the event that the USPTO has lost the CDs as originally filed, Applicants include in this response two (2) CD-ROMs each containing the Sequence Listing in computer readable format as a courtesy. The replacement CDs, "Courtesy Copy 1" and "Courtesy Copy 2", each contain an electronic copy of the paper copy of the Sequence Listing as originally filed with the instant application. The replacement CDs, Courtesy Copy 1 and Courtesy Copy 2 are identical to each other (each contains one copy of the sequence listing), and the replacement CDs are identical in content to the CDs filed with the application on November 13, 2003. Therefore, no new matter is introduced by the replacement CDs.

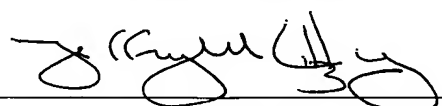
This Response is filed within two months of the date of the Notice to File Missing Parts; therefore, this Response is timely filed. Accordingly, no fees are due with this Response other than the requisite declaration surcharge under 37 CFR 1.16(e). If, however, the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge such fee to Mendel Biotechnology, Inc.

Deposit Account No. 50-1025. This document is submitted in duplicate.

Respectfully submitted,
MENDEL BIOTECHNOLOGY, INC.

Date: September 30, 2004

By: _____


Jeffrey M. Libby, Ph.D.
Reg. No. 48,251

Mendel Biotechnology, Inc.
21375 Cabot Boulevard
Hayward, CA 94545
Phone: (510) 259-6138
Fax: (510) 264-0254



US Express Mail No. EV 059357217 US

Mail Stop Patent Application

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

USSN Not Yet Assigned

Title **PLANT TRANSCRIPTIONAL-REGULATORS OF DROUGHT
STRESS**

Docket No. MBI-0058 CIP

Date: November 13, 2003

Inventors: Jacqueline E. Heard; Jose Luis Riechmann; Robert A. Creelman;
Oliver Ratcliffe; Roger D. Canales; Peter P. Repetti; Roderick W. Kumimoto;
Neal I. Guttererson; T. Lynne Reuber; Omaira Pineda; Bradley K. Sherman

Enclosed:

- X 1 Return Receipt Postcard;
- X 1 Transmittal Cover Sheet (3 pgs., in duplicate);
- X 1 Fee Transmittal Sheet (1 pg, in duplicate);
- X 1 Application Data Sheet (9 pgs.);
- X 1 Statement under 37 CFR 1.821- 1.825 (2 pgs., in duplicate);
- X 1 Petition For Inclusion of Color Photographs (3 pgs., in duplicate);
- X 1 Declaration (unexecuted, 5 pgs.);
- X 1 Specification (166 pgs, including 5 pgs claims, 1 pg Abstract);
- X Drawings (172 pgs.)(169 Figures: Figs. 1, 2, 3A-M, 4, 5, *6A-B[in trip.]; *7A-B[in trip.], 8A-S, 9A-C, 10A-B, *11A-C[in trip.], 12A-L, 13, 14, *15A-B [in trip.], 16A-U, 17, *18A-B[in trip.], 19A-R, 20, *21A-D[in trip.], 22A-R, 23, 24, *25A-D[in trip.], *26A-D[in trip.], 27A-Z and AA-BB, 28, *29[in trip.]) [* denotes color photos]
- X 1 Paper Copy Sequence Listing (382 pgs., 430 sequences listed); and
- X 2 CD-ROMs, each containing a CRF of the Sequence Listing (Copy 1 and Copy 2)

22388 U.S. PTO
10/714887



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